

### **REMARKS**

Applicants thank the Examiner for reconsideration of the finality of the last Office Action. Claims 1-20 are currently pending, with claims 1 and 10 being independent. Claims 1 and 10 have been amended, and claims 19 and 20 have been added, to more appropriately define the present invention. Applicants respectfully request reconsideration of the application in view of the following remarks.

#### **Statement of the Substance of the Interview**

Applicants' representative thank the Examiner for the courtesies extended during the interview conducted on November 7, 2006. During the interview, Applicants' representative discussed impropriety of the finality of the Office Action issued on August 11, 2006, and further discussed the distinctions between Anupam and the claimed subject matter.

#### **Allowable Subject Matter**

Applicants note with appreciation the indication on page 5 of the Office Action that claims 3, 4, 12, and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants submit this is not necessary in view of the following remarks.

#### **Rejections Under 35 U.S.C. §103**

##### **Anupam-Gao**

The Examiner rejected claims 1, 5, 7-10, and 14-18 under 35 U.S.C. §103(a), as being unpatentable over Anupam (US 2005/0048981) in view of Gao (US

2005/0002405). Applicants respectfully traverse the rejection.

Applicants present herewith two Declarations under 37 C.F.R. §1.131 which effectively remove the Anupam reference as valid prior art under §102(e) and §103(a). The first Declaration, provided by inventor Nikhil Awasthi, establishes that the invention as claimed was conceived prior to May 23, 2003. The second Declaration, provided by the attorney who drafted the originally filed patent application, establishes continuous due diligence during the critical period just prior to August 27, 2003 through September 30, 2003 (the date of constructive reduction to practice of the present invention.).

Because these Declarations demonstrate both prior conception and continuous due diligence through the critical period, Anupam cannot be used as a basis for the §103(a) rejection.

Even if Anupam could be used as a valid prior art reference, Applicants submit that one of ordinary skill in the art would not have been motivated to modify Anupam in the manner asserted by the Examiner because 1) Anupam teaches away from having the server actively monitor calls; and 2) such a modification would change the principle of operation of the invention taught by the primary reference.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

See MPEP §2143.01 VI.

Applicants submit Anupam teaches that when an existing call is dropped, a Mobile Switching Center (MSC) 102 receives a cause code associated with the reason for the dropped call. Upon detection of a dropped call, a Wireless Reconnect Application (WRA) 110 running on the application server 111 is dynamically called, with

the cause code associated with the dropped call passed to it as an input ([0010], lines 1-6). Once the connection between the mobile terminal 106 and the landline terminal 107 is reestablished, WRA 110 enters the passive mode from which it will be dynamically called to regain control if the call drops again, but not interacting with that or any other connection otherwise ([0012], lines 31-35).

Gao teaches utilizing a server group 10010 which monitors and manipulates packet traffic by sending the calling party and the called party connection status request packets. If the calling party and called party do not respond to the request, the server group stops the billing counter, calculates fees, and resets the billing counter (Block 14060). Otherwise, server group 10010 makes appropriate adjustment to the connection based on the responses from the parties ([0335], lines 1-9).

Because Anupam's application server 111 enters the passive mode when the call is reestablished, he teaches away from actively monitoring the call as taught by Gao. Moreover, modifying Anupam's application server 111 would significantly alter the operation of not only the application server 111, but the MSC 102 and the WRA 110.

Accordingly, Applicants respectfully request that the Examiner withdraw the §103 rejection of claims 1, 5, 7-10, and 14-18.

### **Anupam-Gao-Brooks**

The Examiner rejected claims 2, 5-9, 11, and 14-18 under 35 U.S.C. §103(a) as being unpatentable over Anupam and Gao, and further in view of Brooks (US 2002/0090947). Applicants respectfully traverse the rejection. Applicants submit that Brooks fails to cure the deficiencies of Anupam and Gao as applied in the rejection of independent claims 1 and 10 as noted above. Accordingly, these dependent claims are

allowable at least by virtue of their dependency from their respective independent claims.

**Added Claims 19 and 20**

Added claims 19 and 20 are dependent claims and should be considered allowable for the reasons argued above, as well as the additional limitations recited therein.

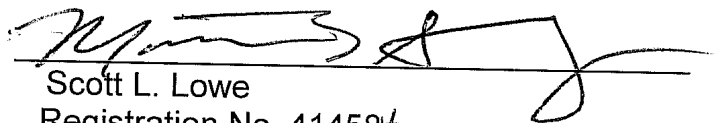
**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-1602 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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**Date: June 11, 2007**

Attachment(s):  
Two §1.131 Declarations